

### III. REMARKS

Claims 1-19 are pending in this application. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Terrell *et al.* (U.S. Patent Pub. No. 2003/0210686 A1), hereafter “Terrell,” in view of Huang (U.S. Patent Pub. No. 2003/0117950 A1), hereafter “Huang.” Claims 1-19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable under Sarkimen *et al.* (U.S. Patent Pub. No. 2003/0101426 A1), hereafter “Sarkimen,” in view of Huang. Applicant respectfully traverses these rejections.

#### A. REJECTION OF CLAIMS 1-19 UNDER 35 U.S.C. §103(a) OVER TERRELL IN VIEW OF HUANG

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicant respectfully submits that the Terrell and Huang references, taken alone or

in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. 103(a) is defective.

With regard to the 35 U.S.C. §103(a) rejection over Terrell in view of Huang, Applicant asserts that the combined features of the cited references do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 1 and 8, Applicant submits that the cited references fail to teach or suggest, *inter alia*, "...a card array having at least one unutilized backup router card," and similarly claimed as "...a card array having unutilized backup router cards," in claim 14. The Office admits that Terrell does not explicitly teach unutilized backup router card. The Office attempts to cure this deficiency with Huang, which the Office asserts teaches activating a backup connection. Office Action, page 4. However, Huang never teaches that the backup connection is unutilized. In fact, prior to activating the backup connection map, Huang determines whether the protection bandwidth is in use on the first outgoing link. Par. 0048. If the connection were unutilized as asserted by the Office, there would be no need for Huang to check for bandwidth, because the bandwidth would be unutilized. Accordingly, Huang does not teach or suggest an unutilized backup router. In contrast, the present invention includes "...a card array having at least one unutilized backup router card." Claim 1. As such, unlike the backup connection in Huang, prior to replacing a failed router, the at least one backup router card of the present invention is not being utilized. Thus, the unutilized backup router card as included in the present invention is not equivalent to the backup connection in Huang. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claim 14, Applicant respectfully submits that the references cited by the Office fail to teach or suggest, *inter alia*, a switching system for physically replacing the failed router card with the unutilized backup router card. Instead, the Office asserts that Terrell teaches removing a routing connection in supporting the routing fail-over capability. Page 6, par. 0066. Even assuming *agruendo*, that the Office is correct, Terrell does not teach that the routers themselves are physically removed and replaced, but only that the connection is removed. Par. 0202, 0285. Furthermore, Huang only teaches routing through one or more backup bundles, not physically replacing a faulty fiber or node with an unutilized one. Par. 0015. The present invention, in contrast, includes "...a switching system for physically replacing the failed router card with the unutilized backup router card." Claim 14. As such, the switching system as included in the present invention does not merely switch data from one router to another as in Terrell or re-route connections as in Huang, but rather, *inter alia*, physically replaces the failed router card with an unutilized backup router card. For the above reasons, the redirected message of Terrell is not equivalent to the switching system as included in the present invention. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to claim 19, Applicant respectfully submits that the cited references fail to teach or suggest, *inter alia*, that the replacement mechanism physically disconnects the failed router card from the primary port facility, moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, and connects the unutilized backup router card to the primary port facility from which the failed router card was moved. As argued above, neither Terrell nor Huang physically remove and connect components,

but instead only re-route the connections between components. Furthermore, neither Terrell nor Huang physically connect a backup component to the same port facility from which the failed component was moved. In contrast, the claimed invention includes "...the replacement mechanism physically disconnects the failed router card from the primary port facility, moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, and connects the unutilized backup router card to the primary port facility from which the failed router card was moved." Claim 19. As such, the replacement mechanism of the claimed invention does not merely re-route connections as do Terrell and Huang, but instead physically disconnects the failed router card from the primary port facility, moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, and connects the unutilized backup router card to the primary port facility from which the failed router card was moved. Thus, the re-routing of connections in Terrell and Huang is not equivalent to the physical replacement of one router card with another in the same bay as included in the claimed invention. Accordingly, Applicant requests that the Office's rejection be withdrawn.

With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

**B. REJECTION OF CLAIMS 1-14 UNDER 35 U.S.C. §103(a) OVER SARKIMEN IN VIEW OF HUANG**

With regard to the 35 U.S.C. §103(a) rejection over Sarkimen in view of Huang, Applicant respectfully submits that the Sarkimen and Huang references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. 103(a) is defective.

Specifically, Applicant asserts that the combined features of the cited references do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 1 and 8, Applicant submits that, as argued above, the cited references fail to teach or suggest, *inter alia*, "...a card array having at least one unutilized backup router card," and similarly claimed as "...a card array having unutilized backup router cards," in claim 14. The Office admits that Sarkimen does not explicitly teach unutilized backup router card. As argued above, Huang also does not teach this feature. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claim 14, Applicant respectfully submits that the cited references also fail to teach or suggest, *inter alia*, a switching system for physically replacing the failed router card with the unutilized backup router card. Instead, Sarkimen teaches a switch fabric interface that allows a plurality of cards to operate in the system and provides support for rapid port failover. Page 6, par. 0064. However, Sarkimen does not teach that any of its cards are physically replaced by the system. Furthermore, as argued above, Huang only teaches routing through one or more backup bundles, not physically replacing a faulty fiber or node with an unutilized one. The present invention, in contrast, includes "...a switching system

for physically replacing the failed router card with the unutilized backup router card.” Claim 14. As such, the switching system as included in the present invention does not merely provide support for rapid port failover as in Sarkimen or re-route connections as in Huang, but rather, *inter alia*, physically replaces the failed router card with an unutilized backup router card. For the above reasons, the support for rapid port failover of Sarkimen is not equivalent to the switching system as included in the present invention. As argued above, Huang does not cure this deficiency. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to claim 19, Applicant respectfully submits that the cited references fail to teach or suggest, *inter alia*, that the replacement mechanism physically disconnects the failed router card from the primary port facility, moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, and connects the unutilized backup router card to the primary port facility from which the failed router card was moved. As argued above, neither Sarkimen nor Huang physically remove and connect components, but instead only re-route the connections between components. Furthermore, neither Sarkimen nor Huang physically connect a backup component to the same port facility from which the failed component was moved. In contrast, the claimed invention includes “...the replacement mechanism physically disconnects the failed router card from the primary port facility, moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, and connects the unutilized backup router card to the primary port facility from which the failed router card was moved.” Claim 19. As such, the replacement mechanism of the claimed invention does not merely re-route connections as do

Sarkimen and Huang, but instead physically disconnects the failed router card from the primary port facility, moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, and connects the unutilized backup router card to the primary port facility from which the failed router card was moved. Thus, the re-routing of connections in Sarkimen and Huang is not equivalent to the physical replacement of one router card with another in the same bay as included in the claimed invention. Accordingly, Applicant requests that the Office's rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejections.

**IV. CONCLUSION**

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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